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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,908

10/22/2003

Jennifer Hope Harris

Jenn003

6388

54279

7590

09/07/2007

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EXAMINER

NGUYEN, THUY-VI THI

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	10/690,908	HARRIS, JENNIFER HOPE	
	Examiner	Art Unit	
	Thuy-Vi Nguyen	3609	

All participants (applicant, applicant's representative, PTO personnel):

(1) Thuy-Vi Nguyen.

(3) Paul Keller.

(2) Terrence Till.

(4) _____.

Date of Interview: 29 August 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 17 and 19.

Identification of prior art discussed: Russel.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed prior art and discussed rejection under 35 USC 101. The applicant would like to change the claims language in the preamble to overcome 101 rejection.

The examiner consulted with the 101 specialist about this issue. As a result, changing the preamble will not cure this 101 problem.

Regarding claim 1, it does make it a little clearer, there still is the issue of what the real world result is. The step of "providing an opportunity" has such a broad scope that there's no guarantee of a real world result. For example, a person could "provide an opportunity" by not stopping people from requesting a reminder, in other words, basically by doing nothing. Therefore, the claim still doesn't have a statutory. Arguably though, claim 2 where the reminder is actually provided (presumably responsive to those that elected to receive the reminder) should be OK under 101.

Similarly, claim 17 is slightly clearer, but it still reads on nonfunctional descriptive material. There is no "functional relationship to the substrate", e.g. like the inch marks on a ruler. The "functional quality" applicant describes won't make the claim statutory.

Regarding claim 19, the computer readable medium does not necessarily have to be in the body since the applicant says "having stored thereon", so that part is OK. The problem is the "data structure" claimed is not a real data structure according to the IEEE definition in MPEP 2106.01, it's just a collection of data that is nonfunctional descriptive material. Nonfunctional descriptive material, even if it is on a proper medium, is not statutory subject matter.